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23 **UNITED STATES DISTRICT COURT**

24 **DISTRICT OF NEVADA**

25 KONAMI GAMING, INC., a Nevada
26 corporation,

27 Plaintiff,

28 v.

MARKS STUDIOS, LLC d/b/a Gimmie
Games, a Georgia limited liability company,

Defendant.

CASE NO.: 2:14-cv-01485-JAD-CWH

Honorable Jennifer A. Dorsey
Magistrate Judge Carl W. Hoffman

**STIPULATION AND [PROPOSED]
ORDER TO MODIFY SCHEDULING
ORDER
(FOURTH REQUEST)**

Pursuant to Local Rules 6-1 and 26-4. Plaintiff Konami Gaming, Inc. ("Konami" or "Plaintiff") and Defendant Marks Studios, LLC d/b/a Gimmie Games ("Marks Studios" or "Defendant") hereby stipulate as follows:

WHEREAS, the parties to this action filed a proposed joint Discovery Plan and Scheduling Order (the "Scheduling Order") on December 30, 2014, (*Docket no. 24*);

1 **WHEREAS**, the Court so ordered the Scheduling Order on January 27, 2015 (*Docket no.*
 2 *31*);

3 **WHEREAS**, the parties' first request to modify the Scheduling Order was on February 6,
 4 2015 (*Docket No. 35*);

5 **WHEREAS**, the Court approved the proposed modification of the Scheduling Order on
 6 February 9, 2015 (*Docket No. 37*);

7 **WHEREAS**, the parties' second request to modify the Scheduling Order was on May 18,
 8 2015 (*Docket No. 65*);

9 **WHEREAS**, the Court approved the proposed modification of the Scheduling Order on
 10 May 19, 2015 (*Docket No. 66*);

11 **WHEREAS**, the parties' third request to modify the Scheduling Order was on July 23,
 12 2015 (*Docket No. 73*);

13 **WHEREAS**, the Court approved the proposed modification of the Scheduling Order on
 14 July 29, 2015 (*Docket No. 75*);

15 **WHEREAS**, in the interest of judicial economy, the parties have agreed to stipulate to
 16 simultaneous exchange of opening and responsive claim construction briefs.

17 **WHEREAS**, the parties have agreed to stipulate to a modification of the case schedule,
 18 to allow the parties sufficient time to resolve their disputes;

19 **WHEREAS**, this is the parties' second request to modify the Scheduling Order;

20 **IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned
 21 counsel for the named parties hereto, that the schedule in the Scheduling Order will be amended
 22 as follows:

| Event | Basis | Proposed Date |
|--|------------|--------------------|
| Simultaneous Opening Claim Construction Briefs Exchange (75 pages) | LR 16.1-16 | October 21, 2015 |
| Simultaneous Responsive Claim Construction Brief Exchange (50 pages) | LR 16.1-16 | November 6, 2015 |
| <i>Markman Hearing</i> | N/A | To be Set By Court |

IT IS FURTHER STIPULATED AND AGREED that nothing herein affects either party's ability to seek to further modify the case schedule or alters the obligations and requirements included in the Scheduling Order and that this Stipulation is made in good faith and not for the purpose of delay.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD,

Dated: September 30, 2015

Dated: September 30, 2015

By: /s/ Nicholas J. Santoro

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Attorneys for Defendant Marks Studios, LLC

ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED:

Dated: October 1, 2015


Carl W. Hoffman
United States Magistrate Judge